

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DAVID RONEMUS,)	Cause No. CV 10-54-M-DWM
)	
Petitioner,)	
)	
vs.)	ORDER OF DISMISSAL
)	
WARDEN LAW, Corrections)	
Corp. of America,)	
)	
Respondent.)	

On May 18, 2010, David Ronemus filed a “motion for continuance.” He is a state prisoner proceeding pro se. Ronemus asks for a 120-day extension of time to “respond to Case No. OP 08-0596.” That is a Montana Supreme Court case number. The only way a litigant could “respond” in this Court to a ruling by the Montana Supreme Court is by filing a petition for writ of habeas corpus. E.g., Gruntz v. County of Los Angeles (In re Gruntz), 202 F.3d 1074, 1079 (9th Cir. 2000) (en banc). Habeas petitions are subject to a one-year statute of limitations. 28 U.S.C. § 2244(d). A statutory limitations period cannot be prospectively extended. Cf. Bowles v. Russell, 551 U.S. 205, 206-07 (2007).

Ronemus does not state any claims for relief. His motion was docketed as a petition because that is the only way his motion could be addressed. The motion having been denied, nothing else remains to be decided. The petition is dismissed. A certificate of appealability is not warranted because there are no claims before the Court. 28 U.S.C. § 2253(c).

Dismissal of this case will not affect Ronemus's ability to file a habeas petition at a later date. Slack v. McDaniel, 529 U.S. 473, 485-86 (2000).

Accordingly, IT IS HEREBY ORDERED as follows:

1. Ronemus's motion for a continuance (doc. 1) is DENIED.
2. The petition is DISMISSED WITHOUT PREJUDICE. A certificate of appealability is DENIED. The Clerk of Court shall enter by separate document a judgment of dismissal without prejudice. No amended petitions and no motions for reconsideration or post-judgment relief will be accepted in this closed case.
3. The Clerk of Court shall include the Court's standard form for habeas petitions under 28 U.S.C. § 2254 with Ronemus's service copy of this Order.

DATED this 25th day of May, 2010.

/s/ Donald W. Molloy
Donald W. Molloy
United States District Judge